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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA6
7
8 JAMES RAY MYERS,

v.

Plaintiff,

JEREMY BEAN, *et al.*,

Case No. 3:25-cv-00181-MMD-CSD

Defendants.

ORDER

9 On April 7, 2025, pro se plaintiff James Ray Myers, an inmate in the custody of the
10 Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF
11 No. 1-1). Plaintiff has not signed the complaint¹ and has neither paid the full \$405 filing
12 fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF Nos.
13 1, 1-1 at 7). The Court will grant Plaintiff an extension of time to submit a signed amended
14 complaint to the Court and to either pay the full \$405 filing fee or file a fully complete
15 application to proceed *in forma pauperis*.

16 **I. DISCUSSION**

17 **A. Plaintiff must submit a signed amended complaint to the Court.**

18 “A civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P.
19 3. “A civil-rights complaint filed by a person who is not represented by an attorney must
20 be submitted on the form provided by this court or must be legible and contain
21 substantially all the information called for by the court’s form.” Nev. L.R. LSR 2-1. And the
22 complaint must be signed personally by the unrepresented party. Fed. R. Civ. P. 11(a).

23 The Court cannot consider the original complaint because Plaintiff did not
24 personally sign it. If Plaintiff wants to proceed with this action, Plaintiff must file an
25 amended complaint that is signed personally by the Plaintiff. Plaintiff is advised that an
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28 ¹ The inmate who helped Plaintiff draft the complaint signed the complaint. (ECF
No. 1-1 at 7).

1 amended complaint replaces the original complaint, so the amended complaint must be
2 complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d
3 1542, 1546 (9th Cir. 1989). This means the amended complaint must contain all claims,
4 defendants, and factual allegations that Plaintiff wishes to pursue in this action. The
5 submission of a mere signature page will not be enough. Moreover, Plaintiff should file
6 the amended complaint on this Court's approved civil-rights form, and it must be titled
7 "First Amended Complaint."

8 **B. Plaintiff must either pay the filing fee or apply for pauper status.**

9 Additionally, this Court must collect filing fees from parties initiating civil actions.
10 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405,
11 which includes the \$350 filing fee and the \$55 administrative fee. *See* 28 U.S.C.
12 § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the
13 court for leave to proceed *in forma pauperis*." Nev. Loc. R. LSR 1-1. For an inmate to
14 apply for *in forma pauperis* status, the inmate must submit **all three** of the following
15 documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis**
16 **for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by
17 the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the
18 Court's approved form, that is properly signed by both the inmate and a prison or jail
19 official; and (3) a copy of the **inmate's prison or jail trust fund account statement for**
20 **the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2.
21 *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the
22 filing fee, it just means that the inmate can pay the fee in installments. *See* 28 U.S.C.
23 § 1915(b).

24 **II. CONCLUSION**

25 It is therefore ordered that Plaintiff has **until June 6, 2025**, to submit a signed
26 amended complaint to this Court.

It is further ordered that Plaintiff has **until June 6, 2025**, to either pay the full \$405 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three required documents: (1) a completed application with the inmate's two signatures on page 3, (2) a completed financial certificate that is signed both by the inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account statement for the previous six-month period.

Plaintiff is cautioned that this action will be subject to dismissal without prejudice if Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to refile the case with the Court, under a new case number, when Plaintiff can file a signed complaint and either file a complete application to proceed *in forma pauperis* or pay the required filing fee.

The Clerk of the Court is directed to send Plaintiff (1) the approved form for filing a 42 U.S.C. § 1983 complaint and instructions for the same; (2) a copy of the complaint (ECF No. 1-1) and (3) an application to proceed *in forma pauperis* for an inmate and instructions for the same.

DATED: April 8, 2025.

CSJ
UNITED STATES MAGISTRATE JUDGE